

**STANDARDS
OF
PRACTICE**

BLUE RIDGE LEGAL SERVICES, INC.

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BRLS CASE FILE ORGANIZATION AND MAINTENANCE STANDARDS

I. INTRODUCTION - THE IMPORTANCE OF PROPER CASE FILE ORGANIZATION AND MAINTENANCE.

Case files are the lifeblood of a legal practice. Proper case file maintenance by all casehandlers, including attorneys, paralegals, interns, and referral coordinators, is an essential means of assuring that quality legal services are rendered to BRLS clients. The importance of standardized case file organization and maintenance is recognized universally in the legal profession, both inside the legal services community and in the private bar as well. The critical role of file maintenance in assuring high quality legal services is highlighted by the attention paid to it in the ABA's *Standards for Providers of Civil Legal Services to the Poor*. See Standard 2.4 and the accompanying commentary.

There are a number of worthwhile reasons for maintaining good files. A well-kept file makes it easier to do good legal work and ultimately saves time for the casehandler. You are able to keep track of rapidly accumulating data and have it available for review. You know from day to day how the case is progressing. Documents are more easily located, and previous conversations regarding the case are clearly memorialized and organized. Keeping track of all conversations with your client clears your memory for more important things. While a new attorney may think that he or she will never forget what a client said, you will be amazed at how quickly your memory deserts you as your caseload mounts. The time invested in maintaining a file properly is ultimately recouped for these reasons.

Second, a well-organized file minimizes disruption if another casehandler is forced to assume responsibility for the case (*e.g.*, when the original casehandler goes on vacation, gets sick, gets hit by a car, or resigns). One underlying theme in good file maintenance is that the file should be “self-evident”: another casehandler should be able to pick up the file and understand it well enough to carry on the representation on the basis of the file itself. A well-kept file should enable the casehandler to be able to see clearly everything that has gone on in the case to date and what needs to be done next, quickly and without the necessity of consulting the previous casehandler, the client, or opposing counsel. There may arise the occasion where such supplementation is impossible.

Third, a well-organized file minimizes the potential for malpractice, since the development and maintenance of a case file better ensures that issues and deadlines are not forgotten or missed. Moreover, if a dispute ever arises between you and your client about your handling of a case, a fully-documented file is an invaluable tool.

Fourth, a properly maintained file facilitates the process of co-counseling, supervision, and case review.

Finally, organizing material effectively is an important process in insuring that the case is being thought about carefully. Proper file development and maintenance requires the casehandler to think precisely about the case, so as to know where it is going and what must be done next. An advocate's work must be thorough and professional, and these qualities extend to the way work is documented and files maintained. The physical condition of the file is frequently a good indication of the quality of the representation it records. While proper file maintenance does not alone guarantee quality work, the lack of it is certainly a hindrance to quality work.

II. STANDARDIZED CASE FILE ORGANIZATION.

A. General Rules. Any case that will not be closed within 10 days of the initial client conference with the casehandler should be opened immediately following its acceptance at a group case acceptance meeting and placed in a hard file folder. If it is decided that further factual development or legal research is necessary to determine the merits of a case, it may be conditionally accepted for the purpose of evaluation, so long as this is clearly set forth in the Representation Agreement. A separate file should be created for each distinct legal problem, even though this may result in a client having several case files.

Due to historical differences, the file organization rules differ somewhat between the Harrisonburg and Winchester offices. In the Harrisonburg office, the file folder should be organized in the following manner. The *right side* should contain the following documents attached in order from the bottom up:

- Eligibility Determination Worksheet
- Application
- Any special acceptance/executive director approval documents (e.g., class action approval forms, etc.)
- Signed Release of Confidential Information
- Signed Representation Agreement
- Case acceptance letter to client
- Screening questionnaire/checklists, if any
- Notes (supplementing the Case Activity Log) and Correspondence in chronological order, latest on top
- Case closing letter to client (when closed)
- Case closing Memorandum (when closed)

The *left side* of the file should contain the following documents attached in order from the bottom up:

- Completed case opening memorandum
- Court pleadings/record, Administrative Appeals documents in chronological order, latest on top
- Case Activity Log (long form)
- Case Activity Log (short form, if necessary)
- Tickle card when case is not tickled and stored in file cabinet

In addition, client trust receipts, check authorization forms, and all receipts or other papers relating to the deposit and disbursement of the client's funds should be stapled to the lower left inside of the file so they can be readily located and checked for refunds at the time the case is closed. Case handlers should be aware of their individual fiduciary responsibility.

In the Winchester office, all in-house documentation is placed on the left side of the file, with the Case Activity Log on top. All case documents, *i.e.*, pleadings and correspondence, are placed in reverse chronological order on the right side of the file.

B. Larger Files. When a single folder will not suffice, the case handler may want to add either additional file folders or filebacks. Multiple folders for one case call for an expanding pocket type file holder; filebacks may be used with an expanding holder or stuck in the original file folder. In either case the subfiles thus created should be labelled as appropriate, for example: "research"; "discovery"; "client correspondence"; "U.S. District Court"; "Fourth Circuit"; etc. Should a more complicated case reach a trial posture, it is possible that additional trial files will need to be created. Many attorneys choose to utilize a three-ring binder trial notebook with appropriate subject matter tabs instead of a file. A sample Trial Notebook is kept in the Harrisonburg office library. The important point is that the advocate organizes the case material in such a way that documents needed for the trial are segregated from the other papers in the file and are readily accessible during the trial.

C. "Open & Close" Files. Many cases do not involve on-going representation. Rather, the legal assistance provided is limited to legal advice given at the time of the initial client interview, an immediate referral to another agency or source of assistance, or a brief service. In such situations, when the assistance will be completed and case closed within 10 days of the initial client conference with the casehandler, it is unnecessary to place the file in a hard file. Instead, the file documents should simply be securely stapled together when the case is submitted for closing review. The completed Case Closing Memorandum (in the Winchester office, the Intake Sheet with completed case closure information) should be on top, with the Application and Eligibility Determination Worksheet immediately below. All notes, letters, and other documents should also be included, organized in reverse chronological order. (Any of the client's original documents should be returned to the client.) An executed and completed Representation Agreement is still required to be included unless the case involved telephone advice only.

III. FILE MAINTENANCE PROCEDURES.

A. The “Self-Evident” Principle Generally. As noted in the introductory section, it should be the goal that any staff member should be able to pick up another’s file and understand it well enough to carry on the representation on the basis of the file itself if necessary. The file should be self-explanatory, or “self-evident”. It should contain the entire record of the case. Essential to that goal are complete eligibility information; a completed opening case form in all but the simplest cases, and dated notes for all subsequent contracts, telephone calls, and random thoughts on the case, among other things. Your memos should be clear and explicit. Your handwriting must be legible to others. A short “to do” indicating what the case handler expects to do next (and ultimately) should be not only in the case opening memo, but also at every point where the plan is reformulated.

B. Representation Agreements (Retainers). Retainers are to be used in all cases, except those involving only telephone advice. In the first place, the Legal Services Corporation requires them, and, secondly, they can be an invaluable asset to the program and the advocate. Among other things, a retainer defines or limits the relationship between the client and the program, plus it clears up any confusion between the attorney and client as to exactly what it is expected the attorney will do on the case.

The casehandler should not sign the retainer on behalf of the program until after the group case acceptance meeting or other case acceptance process has occurred. The reason for this is that it is at this meeting that the program decides whether to accept or reject the case. It is also at this meeting that the scope of the relationship between the program and the client is defined.

One should be careful in filling out the retainer once the case has been accepted. Define on the retainer not only the type of case the client has (*e.g.*, housing, divorce, repossession), but also specifically what the program will do with the case. Do not, for example, say the program will represent the client “in the termination of employment case.” In this instance, a question may arise as to whether the program is committing itself only to negotiating with the employer or to representing the client at the unemployment hearing, the appeal, or even the possible federal or state court action. The retainer should be specific (*e.g.*, “BRLS agrees to file an answer and to represent the client at the trial.”)

Following the case acceptance meeting (or whatever acceptance process is used), a letter of acceptance and the now completed retainer should be mailed to the client. A copy of both the letter and the retainer should be placed in the file. If the client's signature has not yet been obtained, the retainer should be mailed to the client with a request that he or she immediately sign and return it.

C. Case Opening Memorandum. The case opening memorandum may be prepared following the initial client interview, and it should generally be completed whenever a case has been accepted for ongoing representation. Use the pre-printed BRLS form for this purpose. The purpose of completing this opening memo is three-fold. First, it guides you through the process of analyzing and planning the course of action for the case, determining what needs to be done and in what sort of time frame. Second, if it is prepared prior to any case acceptance meeting, it can assist the presenter in summarizing the facts of the case and framing what appear to be the legal issues involved. Finally, it serves as a quick roadmap for other casehandlers who may need to assume responsibility for the case. Files are occasionally inherited from departing staff. In many of these instances, the new advocate would be forced to read all the status notes and pleadings in the file to discover just what the case is about. It is much easier to start reviewing a case by reading the opening memo, thereby discovering the nature of the case and what course of action the previous paralegal or attorney was planning to take.

The form first calls for a summary of the facts. This is not a substitute for interview notes and vice versa. The casehandler is then asked to identify the legal issues involved; the client's goals; and the strategy proposed to achieve those goals. The case opening memo provides a place to record when the case was formally presented and accepted at a case acceptance meeting, together with any conditions or limitations on that acceptance. All deadlines need to be identified and noted on the case opening memo, including statutes of limitations, court dates, filing deadlines, etc. Finally, the form provides a place to list the steps that need to be taken to get the case rolling, *e.g.*, research to do, documents to obtain, witnesses to contact.

In the case of an uncontested, routine matter, such as a living will, the case opening memo can be abbreviated or dispensed with, but in the usual case, it is an important element in the preparation of the case and the file. Moreover, it is also a good practice to prepare an updated case planning memorandum if the original one becomes outdated because of changes in the posture of the case as it progresses. At a minimum, there should at least be some clear indication on the Case Activity Log as to the next step(s) to be taken in the case. A short numbered "to do" list indicating what the casehandler plans to do next (and ultimately) should be not only in the case opening memo, but also at every point where the case plan is reformulated or fleshed out in greater detail. Using a different color ink for this list helps it to stand out when you glance at the file to get a quick reading on what needs to be done.

D. Case Activity Log. Activity logs are a chronological, running record of all actions taken on a case, including telephone calls, conversations with the client, court appearances, and work done on the case. In order for these logs to fulfill their purpose and be of assistance to the advocate, the following practices should be followed:

- Entries should be neat, legible, and complete, so that others will be able to read and understand the notes. The entries should not be made in pencil; within a short time, pencil entries become smeared and illegible.

- Each entry on an Activity Log should consist of four parts: a description of the activity; the date (month, day, and year); a time estimate (if fees are potentially available, or the work is on contract); and the initials of the casehandler who did the work.
- As activity logs serve as a chronological record of all actions taken in a case, every single thing done on a case should be recorded, no matter how trivial seeming at the time. It should include every phone call (“TC”), including when there’s no answer (“TC to cl-NA”), every letter sent or received, every meeting, every research task, every discussion, etc.
- Your activities need to be recorded contemporaneously. That is, immediately after talking to a client or a witness, you must record that contact in the file detailing the date, the person with whom you talked, the substance of the conversation, its importance, and what actions it may dictate. Do not put off recording the information. Most memory loss occurs in the first hours after an event. Even if you think you have a good memory, it will not be as sharp the next day as five minutes after the conversation.
- Periods of inactivity should be explained. If the file is tickled for a future date, awaiting some development or event to occur, for example, the tickle date should be recorded on the Activity log. Similarly, if you simply review the status of the case only to determine that no action is appropriate at that juncture, your review of the file should be noted on the Activity Log.
- A complete description must be given for all work done. It does not suffice to list only when pleadings are filed or received. Every letter sent out, phone call made or received, the substance of all conversations, anticipated courses of action, research conducted--all should be recorded in the file. However, long, detailed descriptions of information may be recorded on a separate sheet of paper, dated, captioned, and then attached chronologically with the notes and correspondence on the right side. It should then be cross-referenced and summarized on the Activity Log as appropriate. For example, you may have a lengthy telephone conversation with opposing counsel where a number of terms for settlement were discussed. You should note on the Activity Log that you had a telephone conversation with the attorney in which you discussed the terms of a settlement. You would then add, “See notes” to indicate that a detailed description of the conversation and information obtained is included on the opposite side of the file folder.
- Following a court appearance (or administrative hearing), remember to briefly summarize the arguments presented at the hearing, what the witnesses said, and the ruling of the court. An excellent way to do this is to dictate a memo to the file regarding the court appearance immediately upon returning to the office--the memo is then cross-referenced on the Activity Log (*e.g.*, “trial in Rockingham Co. G.D.Ct.; client granted judgment for \$1200 plus \$300 attorney fees; see notes.”), and placed in the Correspondence and Notes section of the file.
- For those cases in which attorneys’ fees may be available, or when we’re billing for our time under a contract (*e.g.*, VPAS or SAAA), time estimates must be given every time work

is done on the case. The time estimates should be listed in hour and tenths of an hour and increments. Six minutes is .1; twelve minutes is .2; 18 minutes is .3, etc. Round to the closest one-tenth of an hour increment. For instance, if you spent 20 minutes on the case, you would record your time as .3.

E. Court Pleadings/Record. In the Harrisonburg office, all “operative” documents should be attached on the left side of the file, on top of the Case Opening Memo, and under the Case Activity Log. In a case involving litigation, the operative documents would be the pleadings, orders, briefs, etc. In a case involving an administrative appeal, the operative documents would be the administrative record. In either case (litigation or administrative appeal), this section of the file should recreate the record maintained by the court or administrative agency. On the other hand, for a case where the representation is limited to the drafting of a document, *e.g.*, a Separation Agreement, the Separation Agreement would be the only operative document.

In the Winchester office, these documents are placed on the right side of the file, with the other case documents.

Pleadings and other court papers should be copied *after* all signatures are complete, and the file copies should show the same information that the court’s copies would show, as far as possible. A copy of an unsigned order or decree should be retained in the file until a signed copy is received. At that point, the unsigned copy and any drafts or extra copies should be discarded in order to avoid confusion and minimize file clutter. Drafts, extras, and incomplete or unfinished versions of pleadings should likewise be discarded after the first version of it is safely in the file.

If there are more than 5 pleadings or orders in this section, a file docket sheet should be created and placed on top of the latest pleading or order, and each document included beneath it should be listed on it, thereby furnishing a convenient index to all pleadings and court action taken in the file.

F. Correspondence and Notes. All correspondence, whether sent or received, notes, summaries of conversations or trials, research, etc., should be fastened to the right side of the file in chronological order (latest on top). If a document (*e.g.*, leases, receipts, photographs, etc.) is to be used in court or in an administrative hearing, it should be placed in an envelope and placed in the file. Any document of potential evidentiary value should be placed in the file unaltered. Client papers of inherent value should be copied and returned to the client as quickly as possible. Client papers needed for evidence should be retained (but not punched!) If a client brings in court papers, letters, or notices needed for our file, the client should be given a copy for his own reference (unless there are too many).

G. Closing Letter and Case Closing Memorandum. See “Case Closing Procedures” section for a description of these documents, as well as for a discussion of when a case should be closed, and what steps need to be taken to close it.

IV. FILE STORAGE

A. Open Files. In order to make our open case files more immediately accessible to casehandlers, BRLS has opted for a system where casehandlers are able to keep their open files in their own individual office, as opposed to keeping all open files in one central file room. In order to ensure that any open file can be located immediately in an emergency, or in the responsible casehandler's absence, all open files should be routinely filed in alphabetical order, in a single location in the casehandler's office, *i.e.*, a particular filedrawer. The only time the file should be pulled is when it is actively being worked on. As a general rule, no more than 4 or 5 of a particular casehandler's open files should be out of the file drawer at any one time.

B. Closed Files. Closed files are archived and stored in each office in alphabetical order according to the year in which they are closed, *i.e.*, all cases closed in 1994 are stored together in alphabetical order. In the Harrisonburg office, previous years are stored in the attic and the basement.

BRLS CASE CLOSING PROCEDURES

I. INTRODUCTION.

A comprehensive approach to legal work management insures quality from the time a potential client seeks service through the closing of a case file. The procedures discussed below effectively result in a systematic analysis of the case prior to its closing. This forced analysis of a case prior to its closing is both a final check on adequate service for the client and a tool for case review and self-improvement. Requiring systematic analysis prior to case closing should reduce erroneous or premature closings and improve the quality of future staff performance. A case closing memorandum also allows for a quick analysis of the ultimate result in a case and the reasons for case closure if the file subsequently has to be reviewed or reopened.

II. WHEN CASE FILES SHOULD BE CLOSED.

A. “Advice Only” Cases. Many clients are simply seeking legal advice regarding a particular issue and do not need on-going representation. In these situations, the case file should be closed immediately following the communication of the advice to the client. (Note that this could be an immediate response to the client’s inquiry during an initial client conference, or it could be a detailed written explanation of the legal advice developed following the researching of the issue.) In other situations, a client may be seeking on-going representation, but BRLS is unable to undertake this representation because of its limited resources. In those situations where BRLS priorities and case acceptance policies indicate that BRLS should provide advice only but otherwise must decline on-going representation, the case should likewise be closed upon the communication of the advice, and after the decision not to undertake ongoing representation has been made.

B. All Other Cases. All other cases should ordinarily be closed upon the occurrence of any one of the following events:

(1) upon the completion of the services agreed to be provided by BRLS in the Representation Agreement, *e.g.*, the drafting of a legal document; representation in an administrative or judicial proceeding, *etc.*;

(2) when the client’s objective has been achieved, or when further representation would not achieve benefits commensurate with the resources required;

(3) when it has been determined that the case has insufficient merit to proceed;

(4) when there has been a failure of the client to cooperate with BRLS which prevents our effective representation of the client, or when the client withdraws, disappears, or otherwise ceases to communicate with BRLS. It should be noted that a casehandler who acts without continued

contact with a client, is likely to be found without authority to do what circumstances may have seemed to call for. On the other hand, no file should be closed for lack of client contact until a serious effort has been made to contact the client, and documentation of those attempts appears in the file. Such steps should include the following:

- (a) letters mailed to all addresses we have where the client may be, giving the client a stated period of time to respond;
- (b) phone calls to all telephone numbers we have where the client may be, or through which the client might be located;
- (c) search through phone book and directory assistance;
- (d) inquiries to any person who may have knowledge of the client's whereabouts, *e.g.*, last known employer, social worker, *etc.*; and
- (e) formal notice sent of any required Motion to Withdraw as counsel.

(5) When a formal substitution of counsel has been duly filed and approved in a pending judicial or administrative proceeding;

(6) When there has been a change in the client's eligibility and withdrawal is otherwise consistent with the program's ethical responsibilities to the client;

(7) When there develops a conflict of interest or other situation which ethically prohibits further representation; or

(8) When no further specific activity is contemplated. A file should ordinarily be closed if no litigation is pending and more than two months have passed in which there has been no activity on the case and no specific follow-up activity is contemplated. (A typical example of such a case is one in which a client has consulted us about a debt collection problem, and we have conducted some negotiations with the creditor in order to obtain time for the client to pay an undisputed bill.) If the problem reoccurs and there is a reason for us to become involved again, the case can always be reopened.

III. STEPS TAKEN IN PREPARATION FOR CASE CLOSURE

The following steps should be taken in preparation for closing the case file.

A. Bring File Notes Current, Etc. The file should be put in a neat and orderly condition, if necessary, to comply with file maintenance standards. All file notes should be updated and completed, including any necessary corrections on the intake documents. These steps will ensure that the file will be self-explanatory for future reference or client inquiry.

B. Insure That All Necessary Orders Are Entered. The file should remain open until copies of any final orders (including withdrawal orders, where necessary), are received after entry by the Court, and placed in the file.

C. Return Unused Client Funds. If the client has deposited funds in the program's trust account, all remaining funds should be returned to the client at the conclusion of the case. The casehandler should double-check with the person in charge of keeping the office's trust account records to ascertain the existence of any such balance.

D. Clients Billed for Outstanding Expenses. In those cases where the program advanced out-of-pocket costs and expenses on behalf of a client, and the client has executed a Representation Agreement agreeing to reimburse the program for such expenses, a client should be sent a letter explaining any balance owed to BRLS and requesting reimbursement. As a matter of course, no further collection efforts should be made.

E. Resource Materials Retrieved. Review the file to determine if there are pleadings, forms, briefs, research, etc. which might be useful to others if copies were placed in BRLS' resource files, the *Virginia Poverty Law Review*, or *The Clearinghouse Review*. If so, submit these resource materials as appropriate.

F. Remove Extra Copies and Extraneous Materials. Remove any extra copies, extra drafts, unnecessary notes, and other extraneous materials.

G. Adequate Final Communication Given to Client, and Client Papers are Returned. In cases involving on-going representation by BRLS, the casehandler should send the client a closing letter explaining that the work undertaken by BRLS for the client (as specified in the Representation Agreement) has been completed, or otherwise stating any other reasons for case closure. (See Section II B.) It should explain that the file will be closed in the immediate future (e.g., "in two weeks from the date of this letter"). The letter should briefly recite the services provided and the result obtained. It should advise the client to contact the casehandler immediately if there are any remaining questions about the case. The letter should include all original documents belonging to the client, with copies retained for the file. In the alternative, a client who lives close by could be invited to drop by the office to pick up any papers they wish returned prior to the case closure. (Note that this closing letter may also be used to return unused client trust funds or to bill for expenses paid on behalf of the client.)

Under appropriate circumstances, especially in "advice only" situations, a telephone conversation or personal client conference can substitute for the closing letter, so long as the Activity Log expressly reflects that the client was clearly aware that the case was being closed. However, a written closing letter is a more reliable safeguard against future allegations of the client's belief that BRLS's representation was continuing.

IV. FINAL CASE CLOSURE STEPS.

A. Complete the Case Closing Memorandum. When the steps outlined in the previous sections have been completed, the casehandler should complete the Case Closing Memorandum form for all cases in the Harrisonburg office. The client's name, the case number (if previously assigned), and the correct adverse party should be noted at the top of the form. In the Winchester office, the Case Closing Memorandum should be used for all hard files or cases where that office's Intake Sheet was not utilized. In all other Winchester office cases, the following information should be completed on the Intake Sheet instead.

(1) Under “**Summary of Case,**” a concise explanation should be provided to identify the type of case, the factual framework, a summary of the casehandler's legal assistance to the client, and the basis on which the representation was concluded. (This is not the place for recording all the facts of case, all of the activities engaged in, or all the advice given. Those matters should be recorded elsewhere in the file.)

(2) Under “**Major Reason Case Closed,**” the casehandler should identify the one legal problem code (listed at the bottom) that best describe the client's legal problem and then enter that code number in the appropriate box next to the “Major Reason Case Closed,” that best describes the final posture of the case that triggered the case closure.

(3) Under “**PBI Referrals,**” (for PBI referral cases only), the total hours donated by the *pro bono* attorney should be recorded.

(4) Under “**Special Status,**” the casehandler should note if the client is an alien. In addition, if the client's case has been resigned to VPAS or SAAA funding, the appropriate box should be checked if the client is frail or disabled.

(5) Under “**Advocate,**” the BRLS casehandler should put his or her initials. (For PBI attorneys, an attorney I.D. should be used instead.)

(6) Under “**Funding,**” the respective box should be checked if the case was assigned to VPAS or SAAA funding. (“VPAS” is Valley Program for Aging Services, and “SAAA” is Shenandoah Area Agency on Aging. Each provides some federal funding under Title III-B to us to supplement our work for elderly residents, including those whose income may exceed our normal eligibility guidelines.) Likewise, the PBI box should be checked if the case was a referral through our Pro Bono Referral Program. Otherwise, the LSC box should be checked.

(7) Under “**Intake Date,**” the date when the client was initially interviewed in depth regarding the substance of his or her legal problem should be recorded.

(8) Under “**Date Closed,**” the date when the casehandler prepares the Case Closing Memorandum should be recorded.

(9) The “**Case Closing Checklist**” serves as a procedural reminder for each of the steps listed in Section III above that need to be taken in preparation for case closure. The checklist should be completed appropriately.

(10) The “**Case Outcome**” section of the Case Closing Memorandum actually captures two different types of data, namely, those clients who were underserved, and the case outcome for cases involving ongoing representation. First, it asks that the client’s basic objectives be stated in a few words. (Note that this is really requesting those client objectives that we actually undertook to pursue, not some unrealistic objectives that were never achievable from the start.) Then, for those cases that did not involve on-going representation, the form requesting that the casehandler identify any clients who were “underserved” *i.e.*, those who could have benefitted from on-going representation but whom BRLS could not help under its case acceptance policies because of its limited resources. For those cases where BRLS did provide on-going representation, the casehandler is asked to rate whether the client’s goals were “achieved,” “partially achieved,” or “not achieved.” The casehandler should provide an honest appraisal of the results compared to those client objectives which we undertook to pursue. Admittedly, not every outcome will be easily classified. Thus, if **virtually** all of the client’s objectives were achieved, *e.g.*, 95% of them, then this could be considered “achieved.” Conversely, if **virtually** none of the client’s objectives were achieved, *e.g.*, only 5% of them, then this should be considered “not achieved.” Mixed results falling in-between these two parameters obviously should be rated as “partially achieved.”

B. Location of the Case Closing Memorandum. Once the Case Closing Memorandum has been completed by the casehandler responsible for the file, it should be attached in the file on the top of the right hand side. The closing letter usually should be immediately beneath it.

C. Review of Case Closure. The case file should then be forwarded to the casehandler’s supervisor. In the Harrisonburg office, this is the executive director. In the Winchester office, this is the managing attorney. The supervisor should review the notations on the Case Closing Memorandum and inspect the file sufficiently to confirm that the case should be closed and that all necessary steps have been taken. This step constitutes the final professional check on the adequacy of the casework performed. Once the review is completed, and if the supervisor is satisfied that case closure is appropriate, the supervisor should initial and date the Case Closing Memorandum where indicated. If the supervisor is not satisfied that the case is ready to be closed, then he or she should return the file to the casehandler with appropriate instructions.

D. Recording Case Closure. Once the supervisor has completed the case closure review, and is satisfied that the case is ready for closure, he or she should forward the file to the support staff person responsible for entering the case closing data into the program’s computerized case management database program, TurboCases.

E. Storage of Closed Cases. When all the foregoing steps have been taken, the year in which the case has been closed should be written in large numerals across the outside front of the file, and it should be filed in alphabetical order with the other cases closed during the same year in the office. However, certain case files are segregated as follows: (1) all PBI cases are filed together; (2) all other “hard files” are filed together; and (3) all “open and closed” files, not in hard file folders, are filed together.

BRLS PEER CASE REVIEW SYSTEM

I. INTRODUCTION: THE IMPORTANCE OF PERIODIC CASE REVIEW OF ALL OPEN CASES.

The importance of periodic case review of all open cases is stressed in the American Bar Association's *Standards for Providers of Civil Legal Services to the Poor*, which have been adopted by the Legal Services Corporation of Virginia as the standards for each of its grantees in Virginia, including Blue Ridge Legal Services, Inc. See Standard 3.4 and the accompanying commentary. As explained in that commentary, "case review can be one of the best means available to assure that clients are receiving timely, quality service and to promote continued growth in the professional skills of practitioners.... For staff legal services providers a substantial review system is appropriate."

Periodic case reviews help assure that quality representation is being provided, that all pertinent issues have been identified, and that appropriate remedies are being effectively pursued in accord with the client's objectives. It also helps to assure that matters are being pursued in a timely manner, and that the clients are kept adequately informed of the progress of the case, and are consulted regarding important strategy decisions. Such case reviews also allows the program to identify when the quality of work is not up to acceptable standards, to remedy mistakes, and to cure delays without prejudice to the client so that the program can act promptly to protect the client's interests.

Moreover, case review can serve as an effective tool to teach new skills and reinforce old ones, and can link formal training efforts with specific needs of individual casehandlers. Case review can also be a significant source of information to the program about the effectiveness of casehandlers' legal work and the program's work structure.

II. SCHEDULING OF CASE REVIEWS.

The executive director or a designee will prepare a program wide schedule for case reviews, whereby each casehandler's open cases are reviewed quarterly by another casehandler. Pursuant to this schedule, the reviewer should contact the reviewee at the **beginning of the month** in which a case review is scheduled in order to set the time and date for the case review to occur. The case review should be scheduled for sometime around the **middle of that month**, so that the reviewer will be able to complete a brief case review summary **prior to the end of the month**. While both reviewee and reviewer should make efforts to facilitate the scheduling, the responsibility falls on the reviewer to ensure that the case review is scheduled and conducted in a timely fashion.

III. PREPARATION OF A CASE REVIEW DOCKET.

Several days prior to the scheduled case review, the casehandler whose caseload is being reviewed should complete a Case Review Docket form and provide it to the reviewer. See attached Case Review Docket form.

In the first column, the reviewee should list all of his or her open cases (*i.e.*, all cases listed as open on TurboCases, whether in a hard file or not) in alphabetical order. Only if there are more than one case open for a client should you need to include the case number. Otherwise, the case number is unnecessary.

The second column is for the date the case was opened.

In the third column you should very briefly describe the type of case it is and its current status. For example, you might describe a case as “eviction from subsidized housing for noise, awaiting trial date.”

The fourth column is the most important, for this is where you describe the case plan’s next steps and your timetable. For example, you might say something like “interview potential witnesses and request witness summonses by June 15, and prepare for trial set for June 30th”.

The fifth column is left blank for the reviewer’s use at the case review meeting.

The casehandler may use this form in a number of ways. First, you can type the information into a copy of the attached blank form using the trusty old typewriters. In the alternative, you can pull the blank form up in WordPerfect 5.1 (or other wordprocessing software, once the form is converted) and fill in the information on the computer screen. (In the Harrisonburg office, you can find the original form on the network at H:\home\forms\docket.) Please remember to save your completed form under a different name in your own home directory! The form is set up as a table, so navigating it may take you a few minutes to get accustomed to it. Please note that at least in the WordPerfect 5.1 format, the horizontal lines that create the rows in the table can be moved up or down to give each case more or less room by adding or deleting hard returns. The original computer form has 15 pages of the table, allowing entry of approximately 75 cases; more can be added if necessary. When you print out the completed form, just print out the pages you need, rather than the extra blank pages that you didn’t use. Thereafter, you may be able to pull up your last case review docket and revise it.

If you have perfectly legible handwriting, you may fill in the form by hand.

The reviewer should review the Case Review Docket, together with the previous Case Review Summaries in advance of the Case Review.

IV. CONDUCTING THE CASE REVIEW GENERALLY.

Depending on the number of open cases, you should plan for the case review to take an entire morning or afternoon or longer. You may want to plan for a couple of breaks as well. Please give yourself adequate time to cover **all** of the reviewee's open cases. Files reviews are time consuming but essential to quality representation. After the first or second review, legal staff will find that they can be done with less disruption and advance preparation. However, both the reviewee and the reviewer should prepare in advance for the review to ensure that each others time is not wasted. All files should be readily available, so that the reviewer can review every file. Do not interrupt the review by having to go to another office to find a missing file. Do not allow interruptions during the review. Instruct the receptionist to hold all but the most urgent calls or visits.

Reviewers may conduct the case review in a number of ways. One approach would be to have the reviewee provide you with all of his or her open files for you to review alone. Following your review of the files, you would then immediately meet with the reviewee to ask questions and discuss those files where there are issues to comment upon, *etc.* Another approach would be to meet with the reviewee and all of his or her open files, and allow the reviewee to present each file, allowing for discussion on each file as you review it.

V. FOCUS OF CASE REVIEW.

For each case, the reviewer should cover the following:

- A. Required Documentation. Ascertain whether all required documents are in the file and completed. This should include the application/intake sheet, citizenship statement, eligibility determination, signed retainer, signed statement of facts, if applicable, and any necessary approvals for appeals, *etc.* A specific note should be made about the need to add any such required documentation.
- B. Proper File Maintenance. Attention should be given to whether the file is organized and maintained in accordance with the BRLS Case File Organization and Maintenance Standards found in the Standards of Practice section of this Manual. This includes issues of consistent organization of the file, careful documentation of activities noted in the file, and clear evidence of the case plan in the Case Opening Memorandum updated as necessary.
- C. Gaps in activity should be identified and discussed. Note especially the time between initial intake and the first action taken. Likewise, delays in action following the transfer of a case from one worker to another often pose a special problem which legal workers and reviewers should be aware of.
- D. The extent of client contact maintained and documented through memos of telephone contacts, carbon-copies of letters to clients, or easily read letters to the client.
- E. Last minute actions in a case should be noted and the cause identified. Appeals and documents should not be filed on the last permissible day as a rule. Note whether investigation, writing and filing

occur well before final deadlines.

F. Tickler cards should be reviewed with the files to insure that files are being reviewed regularly and that the worker is aggressively progressing through the important stages in the case.

G. Case Strategy and Development. The reviewer should also be willing to spend significant time brainstorming with the reviewee on cases where case strategy and development issues are apparent. As case reviews become more routine, issues involving A-F above should decline, leaving more time and energy to devote to this aspect of case reviews.

H. Reviewer's File Notations. The reviewer should note on the Case Activity Log of each file reviewed that it was in fact reviewed, together with any significant, specific suggestions regarding that particular case. In addition, the reviewer may wish to make notes on the Case Review Docket form for later use in preparing the Case Review Summary.

VI. CASE REVIEW SUMMARY.

Following the case review, the reviewer should prepare a brief memo describing general observations and recommendations, and noting significant discussion during the review. The reviewee and the executive director (and in Winchester, the managing attorney) should be given a copy of the memorandum. A copy should go into a case review file maintained in each office by the executive director or managing attorney, to be available to the next reviewer of that legal staff person's caseload.